

# Wetlands Bureau Decision Report

Decisions Taken  
06/19/2006 to 06/25/2006

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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### **2006-00098                      SCHOOL ADMINISTRATIVE UNIT 28** **WINDHAM   Unnamed Wetland**

#### Requested Action:

Dredge and fill a total of 64,918 sq. ft. of palustrine forested, scrub-shrub, and emergent wetlands, including a portion of a perennial stream, to construct an access roadway (impacting 52,948 sq. ft.) and the new Windham High School facility with appurtenant parking and drainage structures (impacting 11,970 sq. ft.) on a 118.6 acre parcel of land.

A Conservation Easement on 12.82 acres of land along a perennial tributary to Cobbett's Pond will provide compensatory mitigation for wetlands impacts.

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#### Conservation Commission/Staff Comments:

Minutes of the 1/12/06 meeting of the Windham Conservation Commission state that a motion that the Commission has no objection to this DES application was made and passed unanimously.

Inspection Date: 03/31/2006 by Frank D Richardson

#### APPROVE PERMIT:

Dredge and fill a total of 64,918 sq. ft. of palustrine forested, scrub-shrub, and emergent wetlands, including a portion of a perennial stream, to construct an access roadway (impacting 52,948 sq. ft.) and the new Windham High School facility with appurtenant parking and drainage structures (impacting 11,970 sq. ft.) on a 118.6 acre parcel of land.

A Conservation Easement on 12.82 acres of land along a perennial tributary to Cobbett's Pond will provide compensatory mitigation for wetlands impacts.

#### With Conditions:

1. All work shall be in accordance with plans by Appledore Engineering, Inc. dated November 30, 2005 and January 16, 2006 with revisions for the preservation of the historic bridge dated 3/24/06 and road extension layout dated 5/1/06, as received by the Department on January 17, 2006 and May 08, 2006 respectively.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, the professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
6. Record approved plan with conservation easement for each appropriate lot within 30 days from receipt of this decision and submit a certified receipt from the Rockingham County Registry of Deeds to the DES Wetlands Bureau.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Exceptional precautions shall be taken to protect and preserve the ecological integrity of the vernal pool identified during the field inspection on March 31, 2006, located nearby wetland impact area R-4, from any despoliation during construction of this project and thereafter.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. Proper headwalls shall be constructed within seven days of culvert installation.
15. Culvert outlets shall be properly rip rapped.
16. Work shall be done during low flow.
17. DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

#### LAND RESOURCES PRESERVATION:

1. This permit is contingent upon the execution of a conservation easement on 12.82 acres of land as depicted on plans and described in narrative received April 24, 2006.
2. The conservation easement to be placed on the preservation area shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
3. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the Rockingham County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
4. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
5. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments prior to construction.
6. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
7. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
8. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

#### With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c), to: Dredge and fill a total of 64,918 sq. ft. of palustrine wetlands, including a portion of a perennial stream, to construct an access roadway and the new Windham High School facility on a 118.6 acre parcel of land.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on March 31, 2006. A bright, warm sunny early spring day. Persons present with DES staff included Richard Roach (ACOE) and Jim Gove & Luke Hurley (GES). Spent nearly two hours on site, viewed vernal pools areas needing protection, wetland impact areas and 'London Bridge' an old stone causeway across a ravine which will not be impacted as originally proposed. Revised plans locate the new roadway away from this original crossing. Wetlands impacts areas not significant given the scope of work and demonstrated need for the project. The proposed Conservation Easement will compensate for unavoidable wetlands impacts.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this palustrine wetland ecosystem.

**2006-00287                      GUNSTOCK ACRES BEACH TRUST**  
**GILFORD   Lake Winnepesaukee**

#### Requested Action:

Replenish an existing sloped beach damaged during heavy rain storms in October 2005, with 40 cubic yards of sand on a community beach on Lake Winnepesaukee, Gilford.

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Conservation Commission/Staff Comments:

Con Com signed Exp Application

NH NHI and NH Fish and Game will not be submitting comments

APPROVE PERMIT:

Replenish an existing sloped beach damaged during heavy rain storms in October 2005, with 40 cubic yards of sand on a community beach on Lake Winnepesaukee, Gilford.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on April 17, 2006.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
3. No more than 40 cu yd of sand may be used and all sand shall be located above the normal high water line.
4. This permit shall be used only once, and does not allow for annual beach replenishment.
5. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(o), replenishment of a beach that does not meet the criteria for minimum impact under Wt 303.04(d) or Wt 303.04(aa), or minor impact under Wt 303.03(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. This project does not require the approval of the Governor and Executive Council as no work will occur below the normal high water line.

**2006-00361                      DAGESSE, REGINALD**  
**NASHUA    Tributary To Nashua River**

Requested Action:

Construction of a single family residence on an existing lot adjacent to prime wetlands (Nashua River).

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Inspection Date: 05/03/2006 by William A Thomas

APPROVE PERMIT:

Construction of a single family residence on an existing lot adjacent to prime wetlands (Nashua River).

With Conditions:

1. All work shall be in accordance with the plan sheet 1 of 2, submitted by Maynard & Paquette Engineering Associates, LLC, dated January 12, 2006, as received by the Department on February 21, 2006, plan sheet 1 of 1 dated January 12, 2006 and "Sequence of Construction" submitted by Maynard & Paquette Engineering Associates, LLC, as received by the Department on June 23, 2006.
2. The deed for Tax Map 130, lot 125 (proposed home lot) shall include the conditions of this permit.
3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
4. The boundaries of the no cut zone shall be clearly marked prior to construction and shall be remain marked. The no cut zone shall include the "15'(No Cut Zone)" and area from the "Top of Bank" to the "Edge of Wetland/River" as depicted on plan sheet 1 of 1 identified in condition #1 of this permit.
5. The removal of invasive plant species shall be allowed within the no cut zone. All removal of invasive plant species shall be conducted in accordance with recommendations of the New Hampshire Department of Agriculture.
6. There shall be no further alteration of wetlands for lot development, driveways, or culverts.

7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Orange construction fencing shall be placed at the limits of construction prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that his/her project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The detailed engineering plans accurately locate the boundary of the wetlands and prime wetlands.
6. The applicant has provided plans stamped by a New Hampshire Certified Wetland Scientist and a New Hampshire Licensed Land Surveyor.
7. The applicant applied (File #2006-364) for a Shoreland Waiver to construct of single family primary structure on a non conforming lot of record.
8. The applicant submitted a letter from City of Nashua Conservation Commission which stated that the "project received a favorable recommendation from the Nashua Conservation Commission at their Meeting on November 15, 2005".
9. The Conservation Commission's favorable recommendation included eight stipulations.
10. The approved plans and conditions of the permit provide for an approximately 20 foot no cut zone to the Nashua River/Prime Wetland area. The no cut zone includes a 15 foot area landward from the "Top of Bank".
11. The Department inspected the property on March 10, 2006 and on May 3, 2006.
12. The Department found that the site is a developed residential area and a majority of the proposed house lot is in an open lawn area of the adjacent house. Additionally, the Department determined that trees had been recently removed within the 150 foot Shoreland Protection Act Woodland Buffer (RSA 483-B). The trees that had been removed were cut between the river and the existing house and the proposed house.
13. The applicant has provided a planting plan to replace the portion of trees removed in violation of the Shoreland Protection Act.
14. The NH Fish and Game Department (NHFG) submitted comments that a spotted turtle, a species of special concern, had been identified within the vicinity of the site. NHFG commented that they could not recommend further development that infringed on protected wetlands.
15. The Department spoke with NHFG regarding a similar project on Tampa Street and NHFG and the Department determined that due to the presently developed residential area and existing maintained lot/project area there would likely be no additional impact to the spotted turtle or its habitat.
16. The project as approved and constructed is in adherence to an approved construction sequence and erosion controls that offsets impact from any increased runoff created by the development.
17. The project includes a leaching cistern that will collect roof runoff and foundation drainage.
18. A public hearing was held at the Department on June 7, 2006. No one in opposition to this project attended the public hearing.
19. The proposed home will be serviced by city water and sewer.
20. Based on findings above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Wt 703.01 Criteria for Approval.
21. Pursuant to Wt 204 the Department hereby grants the waiver of Wt 704.01 for the following reasons:

1. Findings 1-20 demonstrate that the project will not have an adverse effect to the environment or natural resources of the state, public health, or safety.
2. Strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.

3. The applicant has received local permits and no opposition has been submitted to the Department regarding the project and no one in opposition to the project was present at the public hearing.

Any party may apply for reconsideration with respect to any matter determined in this action within 20 days from the date of this notification. A motion for reconsideration must specify all grounds upon which future appeals may be based, and should include information not available to the Department when the decision was made. The Department may grant reconsideration if, in its opinion, good reason is provided in the motion.

**2006-00647                      SPENCER, WILLIAM & EDITH**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Construct a 4 ft by 30 ft permanent dock connected to 65 linear ft of breakwater, in an "dog-leg" configuration, with a 8 ft gap at the shoreline, and a 4 ft x 25 ft cantilevered pier extending from a 4 ft x 28 ft cantilevered pier accessed by a 4 ft x 8 ft stairway on 100 ft of frontage on Long Island, Lake Winnepesaukee.

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Conservation Commission/Staff Comments:

Con Com submitted comment stating the proposal will add boatslips.

APPROVE PERMIT:

Construct a 4 ft by 30 ft permanent dock connected to 65 linear ft of breakwater, in an "dog-leg" configuration, with a 8 ft gap at the shoreline, and a 4 ft x 25 ft cantilevered pier extending from a 4 ft x 28 ft cantilevered pier accessed by a 4 ft x 8 ft stairway on 100 ft of frontage on Long Island, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated March 15, 2006 as received by the Department on March 27, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
4. This permit does not allow for maintenance dredging.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(d), construction or modification of a major docking facility.
2. The applicant has an average of 100 feet of frontage along Lake Winnepesaukee.
3. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
4. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.
5. Public hearing is waived based on field inspection, by NH DES staff, on July 19, 2004, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
6. The proposed project does not add more boatslips to the frontage than originally approved.

-Send to Governor and Executive Council-

## MINOR IMPACT PROJECT

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**2005-01976 WKET NOMINEE REALTY TRUST, TIMOTHY O'LAUGHLIN**  
**CHESTER Wilson Brook**

### Requested Action:

Dredge and fill a total of 9,462 square feet of palustrine forest and emergent wetland to include impacting 280 linear feet of intermittent stream to construct a roadway for an 80-unit residential condominium units on a 224.3 acre parcel of land.

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### Conservation Commission/Staff Comments:

No Comments were submitted by the Chester Conservation Commission.

Inspection Date: 06/14/2006 by Eben M Lewis

### APPROVE PERMIT:

Dredge and fill a total of 9,462 square feet of palustrine forest and emergent wetland to include impacting 280 linear feet of intermittent stream to construct a roadway for an 80-unit residential condominium units on a 224.3 acre parcel of land.

### With Conditions:

1. All work shall be in accordance with plans by Promised Land Survey, LLC and Keach-Nordstrom Associates, Inc. dated January 2005 and revised through December 27, 2005, as received by the Department on March 7, 2006.
2. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, their professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Work shall be done during no flow conditions.
10. Prior to commencing work on a substructure located within the intermittent streams identified on the Erosion Control Plan Sheets E4, E5 & E9, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
11. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
12. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
14. Temporary cofferdams shall be entirely removed immediately following construction.
15. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff

Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).

16. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

17. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

18. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

19. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01., the impacts are necessary for access to buildable uplands.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03., as the impacts have been minimized from 11,261 square feet on the original application to 9,462 square feet.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on June 14, 2006. Field inspection determined that the locations of the proposed impacts are accurately reflected on the provided plans.
6. Public hearing is not required with the finding that the project will not impact wetland areas that are considered to be of special value from a local, regional, or state perspective pursuant to Env-Wt 101.87.

**2005-02857                      COLLINS, CHRISTOPHER & CHRISTINE  
MEREDITH Lake Winnepesaukee**

Requested Action:

Applicant requests reconsideration of the March 23, 2005 decision to deny application to construct a 351 sq ft perched beach and bury an existing waterline on 145 ft of frontage on Lake Winnepesaukee, Meredith.

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Conservation Commission/Staff Comments:

Con Com has no concerns

DENY RECONSIDERATION:

Reconsider and reaffirm decision to deny application to construct a 351 sq ft perched beach and bury an existing waterline on 145 ft of frontage on Lake Winnepesaukee, Meredith.

With Findings:

Grounds for Reconsideration

1. The Applicant maintains that Rule Env-Ws 1405.05 does not apply to the proposed beach because the Beach is a "water dependent structure".
2. The Applicant maintains that the Bureau has no basis for maintaining that the slope to be impacted is steeper than 25 percent based on the information submitted to the file.
3. The Applicant maintains that the response to the February 14, 2006, Request for More Information letter was complete due to the fact that the Bureau's request for the removal of the beach was unjustified.



4. The Applicant maintains that "RSA 483-B:3 does not have anything to do with Rule Env-Ws 1405.05."
5. The Applicant maintains that the proposed construction will be "in" the bank and not "on" the bank and therefore the slope restrictions found in Rule Env-WS 1405.05 do not apply.
6. The applicant maintains that failure to specifically include the term "water dependent structure" in RSA 483-B:4, II should be interpreted to mean that these structures are not accessory structures.
7. The Applicant maintains that RSA 483-B:17 does not have give the Department the authority to regulate water dependent structures under the Comprehensive Shoreland Protection Act.

#### Standards for Approval

8. In accordance with RSA 483-B:2, Minimum Standards Required, "[t]he development standards provided in this chapter shall be the minimum standards necessary to:" "II. Provide for the wise utilization of water and related land resources," "V. Protect buildings and lands from flooding and accelerated erosion," and "IX. Control building sites, placement of structures, and land uses."
9. In accordance with RSA 483-B:3, Consistency Required, "[a]ll state agencies shall perform their responsibilities in a manner consistent with the intent of this chapter. State and local permits for work within the protected shorelands shall be issued only when consistent with the policies of this chapter."
10. In accordance with RSA 483-B:6, I, (b), Prior Approval; Permits, any person intending to "[c]onstruct a water dependent structure, alter the bank, or construct or replenish a beach shall obtain approval and all necessary permits pursuant to RSA 482-A."
11. In accordance with RSA 483-B:9, II, (c), Minimum Shoreland Protection Standards, "[a] water dependent structure, meaning one which is a dock, wharf, pier, breakwater, or other similar structure, or any part thereof, built over, on, or in the waters of the state, shall be constructed only as approved by the department, pursuant to RSA 482-A."
12. In accordance with RSA 482-A:3, I, "No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department."
13. In accordance with RSA 483-B:6, II, Prior Approval; Permits, "[i]n applying for these approvals and permits, such persons shall demonstrate to the satisfaction of the department that the proposal meets or exceeds the development standards of this chapter."
14. In accordance with RSA 483-B:4, II, Definitions, "[a]ccessory structure means a structure on the same lot and incidental and subordinate to the primary structure... or a use, including but not limited to paths, driveways, patios, any other improved surface, pump houses, gazebos, woodsheds, garages or other outbuildings."
15. In accordance with Rule Wt 302.03, Avoidance and Minimization, applicants shall provide evidence that their proposal is the least impacting alternative solution.
16. In accordance with Env-Ws 1405.05, Placement, states that no structure shall be built on a slope greater than 25%.
17. In accordance with Env-Ws 1405.08, Slope Limitation for Water-Dependent Structures, states that no structure shall be built on a slope greater than 25%.

#### Findings of Fact

18. The Department received an application on November 30, 2005 for the construction of a perched beach on 145 ft of frontage on Lake Winnepesaukee.
19. The Department sent a More Information letter dated February 14, 2006 stating the proposed beach was not approvable since it impacted slopes exceeding 25% and requesting revised plans removing the beach impacts.
20. The Department's determination that the slope to be impacted by the project is steeper than 25% is based on the information provided on the plans submitted with the application, plans submitted with previous application (2004-1995), and photos submitted with both applications.
21. The Department received a response to the Request for More Information dated February 14, 2006 on March 16, 2006. The response did not include the revised plans removing the proposed beach as requested.
22. The Department conducted a field inspection of the site on May 31, 2006. Field inspection found the waterline installed in the bank and steep slopes on the frontage.
23. The proposed beach is an improved surface intended for the recreational use of the resident(s) of the property and is therefore incidental and subordinate to the primary residential use of the property and by definition is an accessory structure.
24. There is no language in RSA 483-B specifically exempting any accessory structures, including water dependent structures, from the requirements developed under RSA 483-B:17. Furthermore RSA 483-B:3 requires the Wetlands Bureau to maintain consistency with the intent and policies of RSA 483-B in its application of RSA 482-A.
25. RSA 483-B:9, II, (c), identifies water dependent structures as those structures similar to docks, piers, wharfs and breakwaters

which are constructed "over, on or in the waters of the state" for permitting pursuant RSA 482-A. This section refers only to structures that are located lakeward of the reference line and not within the protected shoreland where the minimum standards developed under RSA 483-B would apply.

26. The language of RSA 483-B:6, I distinguishes beaches separately from water dependent structures which are by the definition of RSA 483-B:9, II, (c), constructed, "over, on, or in the waters of the state."

27. The proposed beach is located landward of the reference line and within the protected shorelands subject to RSA 483-B.

28. The applicant notes that the proposed structure will be constructed "in" a slope greater than 25% while Rules Env-Ws 1405.05 and Env-Ws 1405.08 prohibits construction "on" said slopes and concludes that excavating and constructing within these slopes is therefore permitted.

29. The construction of a structure in the grade or slope, which requires excavation, is inherently more impacting than the construction of a structure on the surface of the grade or slope.

#### Findings in Support of Denial

30. Pursuant to RSA 483-B:3, Env-Ws 1405.05, and Env-Ws 1405.08 the Bureau shall not issue a permit for any project adjacent to surface waters that would modify an average grade of 25% or greater.

31. Based on the information available to the Wetlands Bureau the average slope through the area to be impacted is greater than 25%. The Applicant has failed to submit evidence to refute this determination.

32. The proposed plan is for the construction of a structure within the bank of the waterbody with an average slope of more than 25 percent and therefore is not approvable.

33. A permit is required for the construction of this structure per RSA 482-A. In accordance with RSA 483-B:3 the permit shall be issued only if the project complies with the intent and policies of RSA 483-B.

34. Water dependent structures are accessory structures and those accessory structures located between the reference line and the primary building line are subject to the rules developed under RSA 483-B:17.

35. Rule Env-Ws 1405.05 prohibits construction "on" slopes greater than 25% and the act of excavating to construct "in" the slope would cause greater instability and exposure of soils to erosion than constructing "on" the surface, therefore it would not be consistent with the intent of RSA 483-B:2,V to allow the construction of a structure "in" a slope greater than 25%.

36. The applicant has failed to demonstrate to the satisfaction of the department that the proposal meets or exceeds the development standards of RSA 483-B.

37. The issuance of a permit for this project as proposed would not be consistent with the goals of the minimum standards listed in RSA 483-B:2, and therefore is prohibited per RSA 483-B:3.

**2005-02916                      BUSSIERE, JACQUELINE**  
**NEW BOSTON   Unnamed Wetland**

#### Requested Action:

Dredge and fill 270 square feet of palustrine forested wetlands for side-slope fill and rip-rap slope protection associated with an 18-inch x 60-foot culvert (not in jurisdiction) to extend a subdivision access road known as Indian Falls Road to a 13-lot residential subdivision on an approximately 59 acre parcel with a conservation easement on approximately 13.3 acres.

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#### Conservation Commission/Staff Comments:

The Conservation Commission signed the application but did not submit comments.

#### APPROVE PERMIT:

Dredge and fill 270 square feet of palustrine forested wetlands for side-slope fill and rip-rap slope protection associated with an 18-inch x 60-foot culvert (not in jurisdiction) to extend a subdivision access road known as Indian Falls Road to a 13-lot residential subdivision on an approximately 59 acre parcel with a conservation easement on approximately 13.3 acres.

#### With Conditions:

1. All work shall be in accordance with plans by Sanford Surveying and Engineering entitled "Wetland Impact Area Jacqueline M. Bussiere," as received by the DES Wetlands Bureau on December 8, 2005, and "Topographic & Soils Plan" dated November 29, 2005, as received on May 11, 2006.

2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit shall not be effective until it has been recorded with the Hillsborough County Registry of Deeds by the Permittee and a copy of the registered permit has been received by the DES Wetlands Bureau.
5. The deed which accompanies the sales transaction of each lot in this subdivision shall contain condition #6 of this approval.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. All work shall be done during low flow.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
11. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
12. Silt fence(s) must be removed once the area is stabilized.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Proper headwalls shall be constructed within seven days of culvert installation.
15. Orange construction fencing shall be placed at the limits of construction adjacent to each wetland impact area to prevent accidental encroachment on wetlands.
16. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering or working near surface waters or wetlands.
17. Faulty equipment shall be repaired prior to entering jurisdictional areas.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The impacts are necessary for the extension of a subdivision access road known as Indian Falls Road to a 13-lot residential subdivision.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per Env-Wt 302.03. The subdivision access road was configured to minimize wetlands crossings while minimizing grading requirements.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. Per RSA 482-A:11 V, the DES Wetlands Bureau considers the impacts associated with the proposed project, and impacts associated with projects over the previous five years on abutting parcels, in the aggregate. Based on the DES Wetlands Bureau's records of the previous five years, three wetlands permits (#1999-01897, #2003-02526, and #2004-02715) were issued for abutting properties. These projects are part of the overall scheme of development and a consistent part of the eventual whole. Permitted impacts for these three projects total 7,508 square feet. An application (#2005-02917) was also filed (received by the DES Wetlands Bureau on December 8, 2005) for the property which abuts the subject parcel to the north proposing 2,140 square feet of wetlands impacts. The DES Wetlands Bureau considers the proposed impacts, the impacts within the previous five years, and the abutter's proposed impacts as cumulative and reviewed the proposed project as a Minor Impact project.
6. Approximately 13.3 acres of mixed upland and wetland will be placed in conservation easement, as illustrated on the approved site plans. This area is along the eastern margin of the subject property and connects to approximately 12.2 acres of conservation land (9.3 acres existing, 2.9 acres proposed, Wetlands Application File #2005-02917) on the abutting property to the north.
7. The DES Wetlands Bureau finds that a public hearing is not required since the project does not propose significant impact on resources protected by RSA 482-A and the project is not of substantial public interest, as required by RSA 482-A:8.

8. The Nongame and Endangered Wildlife Program of the NH Fish and Game Department (NHFGD) has record of Blanding's turtle in the vicinity of the proposed project. NHFGD submitted comments to the DES Wetlands Bureau stating that the use of closed-bottomed CMPs be avoided at significant wetland crossings to reduce impacts to this species. NHFGD also stated that perennial stream crossings should be by bridge or open-bottomed culvert to provide adequate aquatic species passage.
9. The forested wetlands impacted by the proposed project do not continue on both sides of the subdivision access road. The impacts are for side-slope fill for the access road and rip-rap slope protection associated with an 18-inch x 60-foot cross-culvert which is not in jurisdiction.
10. The Conservation Commission signed the application but did not submit comments.

**2005-02917                      LEBLANC 2004 TRUST, MARK**  
**NEW BOSTON   Unnamed Wetland**

**Requested Action:**

Dredge and fill 2,310 square feet of palustrine forested wetlands and 160 linear feet of intermittent stream to install outlet protection associated with a 24-inch x 106-foot culvert (not in jurisdiction) impacting 290 square feet and to install a 24-inch x 73-foot culvert and associated headwall and outlet protection impacting 2,020 square feet and 160 linear feet of intermittent stream to extend a subdivision access road known as Indian Falls Road to a 6-lot residential subdivision on an approximately 44 acre parcel.

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**Conservation Commission/Staff Comments:**

The Conservation Commission signed the application but did not submit comments.

**APPROVE PERMIT:**

Dredge and fill 2,140 square feet of palustrine forested wetlands and 160 linear feet of intermittent stream to install outlet protection associated with an 18-inch x 96-foot culvert (not in jurisdiction) impacting 120 square feet and to install a 24-inch x 73-foot culvert and associated headwall and outlet protection impacting 2,020 square feet and 160 linear feet of intermittent stream to extend a subdivision access road known as Indian Falls Road to a 6-lot residential subdivision on an approximately 44 acre parcel with a conservation easement on approximately 2.9 acres.

**With Conditions:**

1. All work shall be in accordance with plans by Sanford Surveying and Engineering entitled "Wetland Impact Area Mark E. LeBlanc 2004 Trust," as received by the DES Wetlands Bureau on March 16, 2006, and "Topographic & Soils Plan" dated July 1, 2005, as received on May 11, 2006.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit shall not be effective until it has been recorded with the Hillsborough County Registry of Deeds by the Permittee and a copy of the registered permit has been received by the DES Wetlands Bureau.
5. The deed which accompanies the sales transaction of each lot in this subdivision shall contain condition #6 of this approval.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. All work shall be done during low flow.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
11. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
12. Silt fence(s) must be removed once the area is stabilized.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

14. Proper headwalls shall be constructed within seven days of culvert installation.
15. Orange construction fencing shall be placed at the limits of construction adjacent to each wetland impact area to prevent accidental encroachment on wetlands.
16. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering or working near surface waters or wetlands.
17. Faulty equipment shall be repaired prior to entering jurisdictional areas.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The impacts are necessary for the extension of a subdivision access road known as Indian Falls Road to a 6-lot residential subdivision.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per Env-Wt 302.03. The subdivision access road was configured to minimize wetlands crossings while minimizing grading requirements.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. Per RSA 482-A:11 V, the DES Wetlands Bureau considers the impacts associated with the proposed project, and impacts associated with projects over the previous five years on the subject parcel and an abutting parcel, in the aggregate. Based on the DES Wetlands Bureau's records of the previous five years, two wetlands permits (#1999-01897 and #2003-02526) were issued for prior subdivision phases of the subject parcel and one wetland permit (#2004-02715) was issued for an abutting property. These projects are part of the overall scheme of development and a consistent part of the eventual whole. Permitted impacts for these three projects total 7,508 square feet. An application (#2005-02916) was also filed (received by the DES Wetlands Bureau on December 8, 2005) for the property which abuts the subject parcel to the south proposing 270 square feet of wetlands impacts. The DES Wetlands Bureau considers the proposed impacts, the impacts within the previous five years, and the abutter's proposed impacts as cumulative.
6. Approximately 2.9 acres of mixed upland and wetland will be placed in conservation easement, as illustrated on the approved site plans. This area is in the southeast corner of the subject property and connects to approximately 9.3 acres of existing conservation land on the subject property and approximately 13.3 acres of proposed conservation land (Wetlands Application File #2006-02916) on the abutting property to the south. The existing conservation easements placed on other portions of the original tract encompass approximately 23 acres and include a portion of Bog Brook and Campbell Swamp.
7. The DES Wetlands Bureau finds that a public hearing is not required since the project does not propose significant impact on resources protected by RSA 482-A and the project is not of substantial public interest, as required by RSA 482-A:8.
8. The Nongame and Endangered Wildlife Program of the NH Fish and Game Department (NHFGD) has record of Blanding's turtle in the vicinity of the proposed project. NHFGD submitted comments to the DES Wetlands Bureau stating that the use of closed-bottomed CMPs be avoided at significant wetland crossings to reduce impacts to this species. NHFGD also stated that perennial stream crossings should be by bridge or open-bottomed culvert to provide adequate aquatic species passage.
9. The proposed wetland crossing is of an intermittent stream and a narrow band (not exceeding 25 feet in width within the impact area) of associated forested wetlands. The length of the wetlands crossing along the centerline of the proposed access road is approximately 16 feet. The intermittent stream is discontinuous and the associated wetlands terminate approximately 50 feet northeast of the proposed access road. This portion of the wetland will be impacted for side-slope fill for the access road and rip-rap outlet protection associated with the proposed culvert.
10. The Conservation Commission signed the application but did not submit comments.

**2005-03052                      JUNIPER FELLS LLC**  
**CONCORD   Unnamed Wetland**

Requested Action:

Dredge and fill 8444 square feet of palustrine wetland for access in the subdivision of 29 acres into 5 single family residential lots, a

14-acre open space lot and a parcel to be annexed to tax map 123, block 3,lot 5.

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**APPROVE PERMIT:**

Dredge and fill 8444 square feet of palustrine wetland for access in the subdivision of 29 acres into 5 single family residential lots, a 14-acre open space lot and a parcel to be annexed to tax map 123, block 3,lot 5.

**With Conditions:**

1. All work shall be in accordance with plans by Robert G Rook PE dated November 18, 2005, and revised through April 3, 2006, as received by the Department on April 10, 2006, and Subdivision Plans by Joseph M Wichert, dated November 16, 2005, as received by the Department on May 2, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. Work shall be done during low flow.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

**With Findings:**

1. This is a minor impact project per Administrative Rule Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
2. The proposed impact is for access to the proposed subdivision.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. The conservation commission has requested the placement of the roadway in order to minimize the impacts to the system though preservation of the local buffer.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2006-00241                      YENCHO, DAVID**  
**SANBORNTON   Lake Winnisquam**

**Requested Action:**

Construct a 12 ft by 20 ft perched beach with no more than 10 cubic yards of sand and re-position 87 linear ft of retaining wall to comply with prior compliance on Winnisquam Lake, Sanbornton.

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Conservation Commission/Staff Comments:

No Con Com comments by March 2, 2006

APPROVE PERMIT:

Construct a 12 ft by 20 ft perched beach with no more than 10 cubic yards of sand and re-position 87 linear ft of retaining wall to comply with prior compliance on Winnisquam Lake, Sanbornton.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants, as received by the Department on May 25, 2006.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Work shall be done during drawdown.
4. Area shall be regraded to original contours following completion of work.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
7. If the retaining wall requires repair within 6 years the Department will require the replacement with rip rap or a natural shoreline.
8. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 482.35). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
9. The steps installed for access to the water shall be located completely landward of the normal high water line.
10. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
11. This permit shall be used only once, and does not allow for annual beach replenishment.
12. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
13. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(k), projects the disturb between 50 and 200 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Wt 303.02.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The replacement of the wall will address the compliance issues as specified in files 1992-1448, 1996-2400 and 1998-1548.

2006-00338

KREICK, JOHN

MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Permanently remove an existing 6 ft by 32 ft permanent dock and construct two 6 ft by 30 ft permanent piling supported docks connected by a 6 ft by 12 permanent pile supported walkway in a "U" shaped configuration, install a 12 ft by 24 ft seasonal canopy over the center slip and construct a 400 sqft perched beach in a previously impacted beach area on Lake Winnepesaukee, Moultonborough.

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Conservation Commission/Staff Comments:

Con Com has no objections

APPROVE PERMIT:

Permanently remove an existing 6 ft by 32 ft permanent dock and construct two 6 ft by 30 ft permanent piling supported docks

connected by a 6 ft by 12 permanent pile supported walkway in a "U" shaped configuration, install a 12 ft by 24 ft seasonal canopy over the center slip and construct a 400 sqft perched beach in a previously impacted beach area on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants dated May 24, 2006, as received by the Department on May 25, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Dredged material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. If the beach fails within 6 years or requires sand replenishment more frequently than once every 6 years it shall be subject to removal and the shoreline shall be subject to restoration to natural conditions.
6. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
7. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
8. This permit shall be used only once, and does not allow for annual beach replenishment.
9. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
10. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
11. This permit does not allow for maintenance dredging.
12. The dock shall not extend more than 30 ft lakeward at full lake elevation of 504.32.
13. The minimum clear spacing between piles shall be 12 feet.
14. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a docking system that exceeds the design and construction criteria discussed at Wt 402.01 for minimum impact docks classified under Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 182 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
5. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2006-00627                      PLACE, PAT**  
**FRANCESTOWN   Pleasant Lake**

Requested Action:

Hydro-rake 7,500 sq ft of native aquatic species on 500 ft of frontage identified as Francestown Tax Map 21 Lot 3 and hydro-rake 7,500 sq ft of native aquatic plant species on 1,315 ft of frontage identified as Francestown Tax Map 21, Lot 4 on Pleasant Pond.

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APPROVE PERMIT:

Hydro-rake 7,500 sq ft of native aquatic species on 500 ft of frontage identified as Francestown Tax Map 21 Lot 3 and hydro-rake 7,500 sq ft of native aquatic plant species on 1,315 ft of frontage identified as Francestown Tax Map 21, Lot 4 on Pleasant Pond.



With Conditions:

1. All work shall be in accordance with plans by Aquatic Control Technology Inc as received by the Department on March 22, 2006.
2. Work shall take place between July 1st and August 1st.
3. The NH DES Biology Bureau's Limnologist/Exotic Species Program Coordinator shall be notified in writing of the date on which dredging will begin 14 days prior to the beginning of the project.
4. If, at any time during the dredging, the Department determines that rising water levels pose significant risk to the containment of the site the Department may request that the work cease until water levels recede to an acceptable level. Work shall cease immediately upon notification of the applicant, or any agent of the applicant, that water levels have risen to an unacceptable level, and shall not resume until authorized by the Department.
5. This permit shall be used only once for hydro-raking activity only. Future hydro-raking shall require a separate application and permit.
6. The entire weed control permitted work area shall be enclosed by appropriate turbidity controls.
7. Appropriate turbidity controls shall be installed prior to raking, shall be maintained during raking such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. "Appropriate turbidity controls" shall consist of an impermeable barrier which extends from the lakebed to a point 3-4 inches above the water surface at all times through the duration of the raking, to prevent the escape of all aquatic plant fragments from the site.
9. All hydro-raked material ("spoil material") shall be completely removed from surface waters and shall be deposited at location as shown on plans.
10. Appropriate siltation and erosion controls shall be in place in the disposal area, beach area, and another area of disturbance prior to construction. The controls shall be maintained during construction, and shall remain until the area is stabilized.
11. All spoil material shall be placed outside of the DES Wetlands Bureau jurisdiction.
12. No spoil material shall be deposited within 250 feet of any surface water.
13. Equipment initially entering surface waters shall be completely free of any aquatic plants and animals.
14. Boat washing/rinsing shall not take place in areas in Wetlands Bureau jurisdictional areas.
15. All work shall be done in a manner so that no water quality degradation results from this aquatic weed control project.
16. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
18. Faulty equipment shall be repaired prior to entering jurisdictional areas.
19. The contractor shall have appropriate oil/diesel fuel spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
21. No shoreland vegetation between the reference line and the 150 ft natural woodland buffer zone setback shall be disturbed.
22. Upon completion of the project, the contractor shall thoroughly clean all equipment that contacted the water or plants removed from the water, so as to ensure that all aquatic plant and animal material has been removed before the equipment is removed from the site.
23. Work shall stop immediately if aquatic invasive species are present and the Department shall be contacted for further instruction.
24. All activity associated with this project shall be conducted in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(i), projects involving the removal of emergent or submergent vegetation when the method used disturbs the bottom sediment of the waterbody.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2006-00660                      HARRIS, JOHN & GEORGE**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Repair and replace an existing 5 ft 9 in by 46 ft 3 in permanent dock, add two tie-off piles adjacent to the southern slip, and place a seasonal boatlift in the northern slip on Lake Winnepesaukee, Alton.

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Conservation Commission/Staff Comments:

Con Com has no objections

APPROVE PERMIT:

Repair and replace an existing 5 ft 9 in by 46 ft 3 in permanent dock, add two tie-off piles adjacent to the southern slip, and place a seasonal boatlift in the northern slip on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine, as received by the Department on March 28, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if it later determines that any "existing structures" were not previously permitted or grandfathered in their current configuration.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Seasonal boatlifts shall be of seasonal construction type which shall be removed for the non-boating season.
7. This permit does not allow for maintenance dredging.
8. Repairs shall maintain existing size, location and configuration.
9. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
10. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(m), installation of tie off piles which do not, by their presence, add boat slips to an existing docking system.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has an average of 102 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2006-00764                      WILKINS, BOBBY**  
**LACONIA   Lake Winnepesaukee**

Requested Action:

Remove existig 6 ft x 40 ft seasonal pier and install an "h-shaped" seasonal pier consisting of one 6 ft x 26 ft seasonal pier extending off a 6 ft x 10 ft seasonal walkway attached to a 6 ft x 66 ft seasonal pier, install a seasonal boatlift and canopy within the center slip and install two seasonal PWC lifts on 155 ft of frontage on Lake Winnisquam.

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**APPROVE PERMIT:**

Remove existig 6 ft x 40 ft seasonal pier and install an "h-shaped" seasonal pier consisting of one 6 ft x 26 ft seasonal pier extending off a 6 ft x 10 ft seasonal walkway attached to a 6 ft x 66 ft seasonal pier, install a seasonal boatlift and canopy within the center slip and install two seasonal PWC lifts on 150 ft of frontage on Lake Winnisquam.

**With Conditions:**

1. All work shall be in accordance with plans by Watermark Marine Construction dated March 21, 2006, as received by the Department on April 7, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
2. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
3. All permitted seasonal structures shall be removed from the lake for five months during the non-boating season.
4. No portion of the structures shall extend more than 66 feet from the shoreline at full lake elevation.
5. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

**With Findings:**

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), Construction of a docking facility.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 155 feet of shoreline frontage along Lake Winnisquam.
6. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**2006-00965                      FRASER, ALLISTER**  
**HAMPSTEAD   Wash Pond**

**Requested Action:**

Repair and replace an existing 45 ft of retaining wall on Wash Pond, Hampstead.

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**Conservation Commission/Staff Comments:**

Con Com submitted comments stating work would have to be done in the water

**APPROVE PERMIT:**

Repair and replace an existing 45 ft of retaining wall on Wash Pond, Hampstead.

**With Conditions:**

1. All work shall be in accordance with plans by Jay Harvey as received by the Department on June 05, 2006.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Area shall be regraded to original contours following completion of work.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Repair shall maintain existing size, location and configuration.

7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(j), repair of retaining walls that require work in the water.
2. The local Conservation Commission submitted comments stating that not repairing the wall immediately could possibly increase erosion into the pond
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

**2006-01161**

**PITTSBURG SCHOOL DISTRICT**

**PITTSBURG Unnamed Wetland**

Requested Action:

Dredge and fill 7,934 square feet of scrub-shrub wetlands and existing drainage ditch to improve drainage and reconstruct the Town of Pittsburg's School athletic fields.

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APPROVE PERMIT:

Dredge and fill 7,934 square feet of scrub-shrub wetlands and existing drainage ditch to improve drainage and reconstruct the Town of Pittsburg's School athletic fields.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering, PLLC dated April 2006 and revised through March 2006, as received by the Department on May 11, 2006.
2. This permit is contingent on approval by the DES Site Specific Program.
3. Work shall be done during low flow/low water conditions.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 square feet of wetlands.
2. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
3. The Town of Pittsburg does not have a Conservation Commission; the Board of Selectman recommended the proposed project.
4. The Headwaters subcommittee of the Connecticut River Joint Commissions recommended the project as proposed and also recommended that the contractor carefully follow the sedimentation and erosion control plans laid out in the construction sequence.
5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 6. Proposed improvements are needed to meet the current and future requirements for team sports and physical education, improve drainage, and improve safety conditions.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

8. The proposed athletic field expansion overlaps existing athletic fields.
9. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

## MINIMUM IMPACT PROJECT

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**2005-02644                      NH DEPT OF TRANSPORTATION**  
**NORTHUMBERLAND   Unnamed Stream**

### Requested Action:

Replace twin 36 in. x 30 ft. culverts with twin 36 in. x 40 ft. culverts impacting 286 sq. ft. of banks and stream (156 sq. ft. temporary).

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### Conservation Commission/Staff Comments:

Cons. Comm. no comment

### APPROVE PERMIT:

Replace twin 36 in. x 30 ft. culverts with twin 36 in. x 40 ft. culverts impacting 286 sq. ft. of banks and stream (156 sq. ft. temporary). NHDOT project #2005M104-0501.

### With Conditions:

1. All work shall be in accordance with plans by NHDOT Maintenance Dist. #1 dated 10/12/05 as received by the Department on Oct. 31, 2005.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.

**2005-02771                      NH DEPT OF TRANSPORTATION**  
**ENFIELD   Unnamed Stream Mascoma Lake**

### Requested Action:

Replace a 10 ft. concrete slab over an unnamed brook and reset cut granite stones at the inlet and outlet impacting 582 sq. ft. (474 sq. ft. temporary) of stream.

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Conservation Commission/Staff Comments:

Cons. Comm. no comment

APPROVE PERMIT:

Replace a 10 ft. concrete slab over an unnamed brook and reset cut granite stones at the inlet and outlet impacting 582 sq. ft. (474 sq. ft. temporary) of stream. NHDOT project #13185D.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Design (undated) as received by the Department on November 17, 2005.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(x), repair or replace a nondocking structure
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project and therefore there is no need for the submittal of the environmental document indicted in the inter-department memo.

**2006-00108                      NEW HAMPTON, TOWN OF**  
**NEW HAMPTON   Unnamed Wetland**

Requested Action:

Dredge and fill approximately 750 square feet of roadside drainage ditch, and replace three culverts in wetland jurisdiction in kind for roadway drainage improvements.

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APPROVE PERMIT:

Dredge and fill approximately 750 square feet of roadside drainage ditch, and replace three culverts in wetland jurisdiction in kind for roadway drainage improvements.

With Conditions:

1. Any future work that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(k), maintenance dredging, when necessary to provide continued usefulness of nontidal drainage ditches, man-made ponds, and spillways.

**2006-00421                      NH DEPT OF TRANSPORTATION**  
**STODDARD   North Branch Of The Contoocook River**

Requested Action:

Repair twin stone arch bridge temporarily impacting 2,125 sq. ft. of bank and river.

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Conservation Commission/Staff Comments:

Cons. Comm. and Rivers Comm. , no comments

Inspection Date: 02/08/2006 by Gino E Infascelli

APPROVE PERMIT:

Repair twin stone arch bridge temporarily impacting 2,125 sq. ft. of bank and river. NHDOT project #14540G.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Design dated 2/06 as received by the Department on March 1, 2006.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Work shall be done during low flow.
10. Retrieval of historic stones outside of the temporary work zone shall be by hand.
11. Cutting or limbing of trees shall be minimized wherever possible.
12. Upon the completion of the project all temporary material such as coffer dams and staging shall be removed and placed out of jurisdiction.

**2006-00484                      GIRARD, DENNIS & VIOLET**  
**GOFFSTOWN   Unnamed Wetland**

Requested Action:

Construction of a multi-unit industrial building with parking, driveway and drainage structures impacting 960 sq. ft. of wetlands.

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APPROVE PERMIT:

Dredge and fill approximately 120 sq. ft. of wetlands to install water service and repair an existing headwall for construction of a new multi-unit industrial building.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc., plan sheets SP-1, SP-3, D-1, D-2 and D-3 revision dated March 1, 2006, as received by the Department on March 7, 2006 and "Proposed Wetland Impact" plan revision dated May 5, 2006, as received by the Department on May 30, 2006, and plan sheet SP-2 revision dated May 26, 2006, as received by the Department on June 20, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no impacts to wetlands or surface waters for construction of the proposed pedestrian foot bridge.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
9. Silt fencing must be removed once the area is stabilized.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), alteration of less than 3,000 square feet of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed wetlands impacts were reduced from 960 sq. ft. of wetlands impacts for access to 120 sq. ft. for installation of water service and existing headwall repair.
6. The proposed parking access has been removed and replaced with an approximately 8 ft. wide x 45 ft. long pedestrian bridge that will be built upland to upland, connecting the proposed parking area to the proposed building site.
7. The Conservation Commission approved the previous road access crossing that required more impacts to wetlands.
8. The Town of Goffstown provided a permission letter for conducting work within 20 ft of their property line.
9. The project will provide onsite sewer and stormwater treatment and detention.
10. The applicant has provided plans depicting stormwater treatment and detention that have been designed and stamped by a State of New Hampshire Professional Engineer, plan sheet SP-2 revision dated March 3, 2006, received by the Department on March 7, 2006. In addition, the applicant has submitted a revised plan sheet SP-2 dated May 26, 2006, received by the Department on June 20, 2006, which reflects the reduced wetlands impacts.

**2006-00689                      ATTEBERRY REVOC TRUST, ROY**  
**MEREDITH   Unnamed Wetland**

Requested Action:

Dredge and fill 1200 square feet of palustrine forested wetland including installation of a 15-inch x 24 foot culvert for common access to two lots in the subdivision of 77.68 acres into seven single family residential lots.

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APPROVE PERMIT:



Dredge and fill 1200 square feet of palustrine forested wetland including installation of a 15-inch x 24 foot culvert for common access to two lots in the subdivision of 77.68 acres into seven single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by Jones and Beach Engineers Inc dated March 6, 2006, and revised through March 7, 2006, as received by the Department on March 29, 2006, and Subdivision plans by Dave Dolan and Associates PC dated February 10, 2006, and revised through May 30, 2006, as received by the Department on June 22, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
8. Dredged or excavated material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. Silt fencing must be removed once the area is stabilized.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. The applicant shall provide a full tree inventory in accordance with Env-Ws 1409.03, for the protected shorelands within this subdivision by August 31, 2006.
14. The purchaser/developer of the shorefront lots shall schedule and attend a consultation meeting with NHDES Shoreland Program staff to be held at the project site or at the DES Office in Concord, NH to review any proposed plans for the development of any lands within the shorelands protected under RSA 483-B for compliance with RSA 483-B prior to the application for permits for work within those lands. It shall be the responsibility of the property owner to schedule this meeting, and the meeting shall be attended by the property owner and his/her professional engineer(s), architect, or the contractor(s) responsible for performing the work.
15. The deed which accompanies the sales transaction for each of the lots within the Shoreland Protection Zone in this subdivision shall contain condition #14 of this approval.
16. No stumps shall be removed within 50 feet of the reference line per RSA 483-B (see attached fact sheet).
17. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project in accordance with Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands.
2. The proposal is for access to the buildable uplands on two of the proposed building lots.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. NH Fish and Game has concerns with future docking structures and the impacts on loons. Each individual lot owner will need to apply for these docks under separate applications.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
7. This approval shall not preclude the Department of Environmental Services from taking any appropriate compliance actions relative to the failure to adhere to the construction sequence as required.
8. The applicant has addressed all of the parameters required by Wt 304.09.
9. The Meredith Conservation Commission has no concerns with the proposed common driveway.

**2006-00711                      BUCKLIN, MICHAEL & RHONDA**  
**HILL   Unnamed Wetland**

**Requested Action:**

Impact a total of 1875 square feet of jurisdictional area further described as follows: Retain 1000 square feet of impact, replace existing 12-inch x 24 inch culvert and install stone headwalls; Restore 170 square feet of previously disturbed wetland; and dredge and fill 330 square feet and install a 18-inch x 24 foot culvert for access to a proposed building location on a single family residential lot.

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**APPROVE PERMIT:**

Impact a total of 1875 square feet of jurisdictional area further described as follows: Retain 1000 square feet of impact, replace existing 12-inch x 24 inch culvert and install stone headwalls; Restore 170 square feet of previously disturbed wetland; and dredge and fill 330 square feet and install a 18-inch x 24 foot culvert for access to a proposed building location on a single family residential lot.

**With Conditions:**

1. All work shall be in accordance with plans by Fernstone Associates dated February 17,2006, as received by the Department on April 3, 2006.
2. This permit is contingent upon the restoration of 170 sq. ft. of wetlands in accordance with plans received April 3, 2006.
3. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the restoration areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Work shall be done during periods of non-flow.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. All material removed during restoration activities shall be removed down to the level of the original hydric soils.
10. Area of temporary impact shall be regraded to original contours following completion of work.
11. Mulch within the restoration area shall be straw.
12. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
13. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction.

4. Applications received after the work is completed shall be subject to the same review as given any other application, per Rule Env-Wt 302.05.

**2006-00737                      MURPHY, MARK**  
**MOULTONBOROUGH   Unnamed Wetland**

**Requested Action:**

Dredge and fill 1100 square feet of previously impacted forested wetland including installation of a 12-inch x 16 foot culvert and restore 175 square feet of wetland for access to a proposed single family building site.

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**APPROVE PERMIT:**

Dredge and fill 1100 square feet of previously impacted forested wetland including installation of a 12-inch x 16 foot culvert and restore 175 square feet of wetland for access to a proposed single family building site.

**With Conditions:**

1. All work shall be in accordance with plans by Ames Associates dated March 2006, as received by the Department on April 5, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Work shall be conducted during low water conditions
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands.

**2006-00771                      CONVEX LLC**  
**MEREDITH   Unnamed Stream**

**Requested Action:**

Dredge and fill 86 square feet of wetland for driveway access to the buildable portion of a lot in the subdivision of approximately 22 acres into 3 single family residential lots.

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**APPROVE PERMIT:**

Dredge and fill 86 square feet of wetland for driveway access to the buildable portion of a lot in the subdivision of approximately 22 acres into 3 single family residential lots.

**With Conditions:**

1. All work shall be in accordance with plans by Associated Surveyors dated November 9, 2004, and revised through January 23, 2006, as received by the Department on April 7, 2006.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.

4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
5. Work shall be done during periods of non-flow.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Silt fencing must be removed once the area is stabilized.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands.

**EXPEDITED MINIMUM**

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**2005-02987**

**MILL POND CROSSING LLC, APPLESEEDS SQUARE**

**BRENTWOOD Unnamed Wetland**

Requested Action:

Agent request to amend original impacts to include an additional 728 square feet of impact for the installation of a dry hydrant for fire protection and upgrading the permitted walking trail and septic system access for access to a new community well location.

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Conservation Commission/Staff Comments:

The Brentwood Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE AMENDMENT:

Increase the original permitted impacts of 2,245 square feet of wet meadow and forested wetland for the construction of a roadway access and walking trail to include impacts for the construction of a community septic system to 2,973 square feet for the addition of the installation of dry hydrant for fire protection (320 square feet of temporary impact) and access to the new location of the community well for an age restricted housing development on 35.947 acres.

With Conditions:

1. All work shall be in accordance with the following plans by Beals Associates, PLLC.:
  - a.) Plan & Profile Plan (Sheet P1) dated October 26, 2005 and revised through November 30, 2005 as received by the Department on December 19, 2005;
  - b.) Well Road (Sheet 1 of 1) dated April 12, 2006 and revised May 2, 2006.
  - c.) Proposed Dry Hydrant Plan-DH1 (Sheet 22 of 22) dated February 7, 2006 and revised April 12, 2006.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
6. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting,

and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.

7. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Work shall be done during seasonal low flow conditions.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. Area of temporary impact shall be regraded to original contours following completion of work.
17. All material removed during work activities shall be placed out of DES's jurisdiction.
18. Mulch within the restoration area shall be straw.
19. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
20. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland/wet meadow.
2. Per Env-Wt 302.01, the need for the proposed impacts has been demonstrated by the applicant, as the widening of the existing woods road will require small impacts; the impacts are necessary for the construction of an on-site septic treatment and access to a community well; and installation of a dry hydrant for fire protection.
3. Per Env-Wt 302.03, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction, as an existing woods road will be utilized to minimize impacts.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. A memo dated January 17, 2006, from the Nongame and Endangered Wildlife Program, NH Fish and Game Dept. (NHFG) was received by the Department with the record of one sensitive species in the vicinity of the project, the Brook Floater listed as endangered in the State. The concerns brought forth were as follows: NHFG recommended the installation of open-bottomed box culverts or bridges to maintain natural stream beds within perennial streams; 100-foot "no-cut" stream buffers; and stormwater treatment for water entering the Exeter River.
6. In reference to the aforementioned concerns of NHFG, the Department makes the following findings: the impacts associated with this site are to forested wetlands/wet meadow and there are no perennial streams located within the entire project site, therefore there is no need for open-bottom culverts; there will be on-site stormwater treatment to contain and prevent sediment, chemical contamination, and untreated stormwater from entering the Exeter River, additionally the project site is over 0.25 mile from the Exeter River, therefore the Department finds that there will be no adverse affect to brook floater mussels.

Requested Action:

Construct a 4 ft by 24 ft seasonal dock on 30 ft of frontage on Merrymeeting Lake, New Durham.

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Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Construct a 4 ft by 24 ft seasonal dock on 30 ft of frontage on Merrymeeting Lake, New Durham.

With Conditions:

1. All work shall be in accordance with plans by NH Soil Consultants dated November 28, 2005, revision date May 09, 2006, as received by the Department on May 22, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property line to the west or the imaginary extension of those lines into the water.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 24 feet from the shoreline at full lake elevation.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction of a seasonal dock.

**2006-00635                      TRIDER, KEITH**  
**TUFTONBORO   Unnamed Wetland**

Requested Action:

Approve name change to: John P Goggin, 46 Campshool Rd., PO Box 308, Wolfeboro NH 03894 per request received 6/19/2006.

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APPROVE NAME CHANGE:

Dredge and fill 825 square feet including installation of a 24-inch x 18 foot culvert for access to a proposed single family residence.

With Conditions:

1. All work shall be in accordance with plans by Fernstone Associates dated February 14, 2006 and revised through May 1, 2006, as received by the Department on May 2, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Work shall be done during periods of non-flow.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

**2006-00964                      MOUSE ISLAND PROPERTIES LLC**  
**CENTER HARBOR   Squam Lake**

Requested Action:

Amend permit to remove existing permanent crib dock and install two seasonal docks.

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Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE AMENDMENT:

Permanently remove an existing 20 ft by 12 ft permanent crib supported dock accessed by a 6 ft by 10 ft permanent dock and construct two 6 ft by 36 ft seasonal dock connected to a 6 ft by 24 ft permanent wharf along the shore attached to two 3 ft by 6 ft concrete pads on Squam Lake, Center Harbor.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental, dated May 18, 2006, as received by the Department on May 25, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
6. Dredged material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Seasonal pier shall be removed from the lake for the non-boating season.
8. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a docking system that exceeds the design criteria discussed at Wt 402.01 for minimum impact docks classified under Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The proposed project removes a permanent docking facility from public waters and replaces it with a seasonal docking facility.
5. The applicant has an average of 750 feet of shoreline frontage along Squam Lake.
6. A maximum of 11 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

**LAKES-SEASONAL DOCK NOTIF**

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**2006-01469                      LACHANCE, CLAUDE**  
**NORTH SUTTON   Kezar Lake**

COMPLETE NOTIFICATION:

North Sutton Tax Map# 08 Lot# 131-181 Kezar Lake

PERMIT BY NOTIFICATION

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**2006-00929                      TREMBLAY REVOC TRUST, ROSEMARIE**  
**BEDFORD    Unnamed Wetland**

Requested Action:

Construct and driveway crossing a forested wetland providing access to house in uplands with a culvert installation in wetlands for 430 square feet impact.

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Conservation Commission/Staff Comments:

Bedford Conservation Commission recommends approval

PBN IS COMPLETE:

Construct and driveway crossing a forested wetland providing access to house in uplands with a culvert installation in wetlands for 430 square feet impact.

Grant waiver of 20' setback.

With Conditions:

1. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
2. Work shall be done during low flow.

With Findings:

1. Setback of 20 feet from abutting property line is hereby waived as the culvert installation proposed to limit the potential for any ponding between the proposed driveway and the existing driveway on Lot 15-9.
2. The applicant indicated that no impacts to the neighboring parcel are perceived.

**2006-01393                      WILSON, EDWARD**  
**MEREDITH    Lake Winipesaukee**

Requested Action:

abandon existing submarine cable and replace it with a new one.

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PBN IS COMPLETE:

abandon existing submarine cable and replace it with a new one.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), replace/repair of existing structures with no change in size, location or configuration.



